



California Regional Water Quality Control Board Lahontan Region



Alan C. Lloyd, Ph.D.
Agency Secretary

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Arnold Schwarzenegger
Governor

MEETING AGENDA MARCH 9 AND 10, 2005

City Council Chambers
1900 Lake Tahoe Boulevard
South Lake Tahoe, California 96150

REGULAR MEETING

Wednesday, March 9, 2005 – 4:00 p.m. to 5:00 p.m.

(Dinner break 5:00 p.m., reconvene approximately 7:00 p.m.)

Thursday, March 10, 2005 – 8:30 a.m.

Note: A quorum of the Regional Board will be dining on Wednesday, March 9, 2005-5:30 p.m. at Scusa on Ski Run, 1142 Ski Run Blvd., South Lake Tahoe, CA.

The meeting room is accessible to people with disabilities. If you have special accommodations or language needs, please contact Laurie Applegate at (530) 542-5414 or LApplegate@waterboards.ca.gov by February 25, 2005. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

The following items are numbered for identification purposes only and will not necessarily be considered in this order. Public hearings will not be called to order prior to the time specified.

All Board files, exhibits and agenda material pertaining to items on this agenda are hereby made a part of the record for the appropriate item. If, due to time constraints, the Regional Board is unable to consider all of the items scheduled for Wednesday, the item(s) not heard will be considered on Thursday, March 10, 2005 beginning at 8:30 a.m.

Anyone wishing to present a Microsoft PowerPoint® presentation during the meeting, using the Regional Board's projector, must provide the presentation to the Board on either a CD or via email at least three working days prior to the meeting. Please contact the staff person listed for the agenda item of interest.

California Environmental Protection Agency



Recycled Paper

.... NOTICE
Submittal of Written Material for Regional Board Consideration

In order to ensure that the Regional Board has the opportunity to fully study and consider written material, it is necessary to submit it at least ten (10) days before the meeting. This will allow distribution of material to the Board Members in advance of the meeting. Pursuant to Title 23 California Code of Regulations Section 648.4, the Regional Board may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Regional Board may refuse to admit it.

A copy of the procedures governing Regional Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq., and is available upon request. Hearings before the Regional Board are not conducted pursuant to Government Code Section 11500 et seq.¹

Wednesday, March 9, 2005 - 4:00 p.m.

Roll Call and Introductions

OTHER BUSINESS

1. **Executive Officer's Report** (The Regional Board will not be asked to take any formal action; however, it may provide direction to staff.) (Harold Singer)
 - **Discussion of Standing Items**
 - **Notification of Spills (Pursuant to Section 13271, California Water Code and Section 25180.7, California Health and Safety Code)**
 - **Notification of Closure of Underground Storage Tank Cases (Pursuant to Article 11, Division 3, Chapter 16, Title 23, California Code of Regulations)**

Wednesday, March 9, 2005 - 7:00 p.m.

2. **PUBLIC FORUM**

Any member of the public may address the Regional Board relating to any matter within the Board's jurisdiction. This shall not be related to any item on the agenda and presentations should normally be limited to five minutes. No formal action by the Board will be taken on these matters.

3. **MINUTES**

Minutes of the Regular Meetings of October 13 and 14, 2004 in Lancaster, CA and February 9 and 10, 2005 in Victorville, CA.

4. **ADOPTION OF UNCONTESTED CALENDAR**

Item numbers with an asterisk (*) are expected to be routine and non-controversial. The Board will act on these items at one time without discussion. If any Board member, staff member, or interested party requests discussion, the item will be removed from the Uncontested Calendar to be considered separately. Requests to have an item removed from the uncontested calendar can be made in advance of the meeting by writing to the Regional Board or by calling the Regional Board's Executive Officer or the request can be made to the Regional Board at the meeting on Wednesday before the vote on the Uncontested Calendar.

NPDES PERMIT RENEWAL

- *5. **Lake Tahoe Construction NPDES Permit Renewal** (El Dorado and Placer Counties)
(Updated Waste Discharge Requirements and National Pollutant Discharge Elimination System General Permit for Construction Activities in the Lake Tahoe Hydrologic Unit)

RESCISSIONS OF WASTE DISCHARGE REQUIREMENTS

- *6. **Albertsons, (Order No. 6-95-010), Rite-Aid (Order No. 6-95-014), Investment Development Corp., (Order No. 6-95-011), US Postal Service (Order No. 6-95-012), Johnson-Chamberlain Co., (Order No. 6-95-013), US Bank of California, (Order No. 6-95-015),** El Dorado County (Doug Smith)
- *7. **Susanville Recycling Center (Order No. 6-86-90), Glenn Roberts,** Lassen County (Rob Tucker)

OTHER BUSINESS

8. **Terrance and Brandan Finn; Finn Bridge Project, Exemption to a Waste Discharge Prohibition Contained in the Water Quality Control Plan for the Lahontan Region,** Nevada County. (The Board will be asked to adopt a resolution granting a prohibition exemption for the construction of a bridge across North Prosser Creek in Carpenter Valley.) (Scott Ferguson)
9. **Strategy to Address 303(d)-listed Waters (Pursuant to New SWRCB Policies)** (The Regional Board will not be asked to take any formal action; however, it may provide direction to staff.) (Chuck Curtis)
10. **Reports by Chair and Board Members** (Board members may discuss communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction. The Board may provide direction to staff; however, there will be no voting or formal action taken.)
11. **CLOSED SESSION****
- a. **Discussion of Significant Exposure to Litigation. Authority: Government Code Section 11126(e)(2)(B)(I).**
 - b. **Discussion of Significant Exposure to Litigation, Leviathan Mine, Alpine County. Authority: Government Code Section 11126(e)(2)(B)(I).**
 - c. **Discussion to Decide Whether to Initiate Litigation. Authority: Government Code Section 11126(e)(2)(c)(I).**

- d. **Deliberation on a Decision to be Reached Based upon Evidence Introduced in a Hearing.** **Authority:** Government Code Section 11126(c)(3).
- e. **Discussion of Personnel Matters.** **Authority:** Government Code Section 11126(a).
- f. **Discussion of Litigation: Sarbjit Singh Kang, et. al, v. State of California, Regional Water Quality Control Board, Lahontan Region, El Dorado County Superior Court No. PC20000261; Azad Amiri and Sarbjit Singh Kang, v. State of California Regional Water Quality Control Board, Lahontan Region, El Dorado County Superior Court No. SC20000114; and Azad Amiri, Mohan Singh, and Sohan Singh v. State of California, Regional Water Quality Control Board, Lahontan Region, Placer County Superior Court No. SCV10061.** **Authority:** Government Code Section 11126(e).
- g. **Discussion of Litigation Filed by the State of California and the California Regional Water Quality Control Board, Lahontan Region Against Philip and Mary Myers, Mono County Superior Court, Case No. 12534.** **Authority:** Government Code Section 11126(e).
- h. **Discussion of Litigation: People of the State of California and the Regional Water Quality Control Board, Lahontan Region, v. Squaw Valley Ski Corporation, et al., Placer County Superior Court Case No. SCV 12916.** **Authority:** Government Code Section 11126(e).
- i. **Discussion of Litigation: Squaw Valley Development Company et al. v. Harold Singer et al., United States District Court, Eastern District, Case No. CIV. S-01-2031 WBS/GGH. Notice of Appeal Filed by Squaw Valley Development Company et al. on November 27, 2002.** **Authority:** Government Code Section 11126(e).
- j. **Discussion of Litigation: Squaw Valley Ski Corporation et al. v. State Water Resources Control Board et al., Sacramento County Superior Court Case No. 01CS01189.** **Authority:** Government Code Section 11126(e).
- k. **Discussion of Litigation: Thomas E. Erickson v. California Regional Water Quality Control Board, Lahontan Region, El Dorado County Superior Court Case No. SC-20000244.** **Authority:** Government Code Section 11126(e).
- l. **Discussion of Litigation Filed by the State of California and the California Regional Water Quality Control Board, Lahontan Region v. Thomas E. Erickson and Samina Naz, El Dorado County Superior Court, Case No. SC20010089.** **Authority:** Government Code Section 11126(e).

- m. **Discussion of Litigation Filed by Thomas E. Erickson, Individually and as Trustee of the Thomas E. Erickson Living Trust dated July 14, 1992 v. Lahontan Regional Water Quality Control Board, El Dorado County Superior Court, Case No. SC20020233. Authority: Government Code Section 11126(e).**
 - n. **Discussion of Litigation filed by the State of California and the Regional Water Quality Control Board, Lahontan Region, v. Glen R. Hammond and Limited Partners, Kern County Superior Court Case No. 235695. Authority: Government Code Section 11126(e).**
 - o. **Discussion of Litigation: People of the State of California ex rel. California Regional Water Quality Board, Lahontan Region, v. Oliver Crose, Ross Sessions, Sessions Tank Liners Inc., Apex Envirotech, Inc., and does 1-20 inclusive Complaint for injunctive and recovery of costs. Nevada County Superior Court Case No. T03-0694C. Authority: Government Code Section 11126(e).**
 - p. **Discussion of Litigation: Environmental Protection Information Center, et al. v. California Regional Water Quality Control Board – Central Valley Region, et al., Sacramento County Superior Court, Case No. 04CS00347. Authority: Government Code Section 11126(e).**
- ** At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code Section 11126(a), (c)(3) and (e).

Thursday, March 10, 2005 – 8:30 a.m.

12. **PUBLIC FORUM**

Any member of the public may address the Regional Board relating to any matter within the Board's jurisdiction. This shall not be related to any item on the agenda and presentations should normally be limited to five minutes. No formal action by the Board will be taken on these matters.

13. **STATUS REPORT**

Status Report – Caltrans' Lake Tahoe Water Quality Improvement Program (This is an informational item only. The Regional Board will not be asked to take any formal action; however, it may provide direction to staff.) (Robert Erlich)

14. **ADJOURNMENT**

Any party aggrieved by a certain decision of the California Regional Water Quality Control Board, Lahontan Region (Regional Board), may petition the State Water Resources Control Board (State Board) to review the decision. The petition must be received by the State Board within 30 days of the Regional Board's meeting at which the action was taken. Copies of the law and regulation applicable to filing petitions will be provided upon request.

Note: 1. A listing of pending applications for Water Quality Certification pursuant to Section 401 of the Clean Water Act may be obtained by calling:

For the Northern Lahontan Basin, Scott Ferguson in South Lake Tahoe at (530) 542-5432

For the Southern Lahontan Basin, Hisam Baqai in Victorville at (760) 241-7325

The Regional Water Quality Control Board, Lahontan Region, has a home page that can be accessed on the Internet, at: <http://www.waterboards.ca.gov/lahontan>

The Regional Board will be considering many items during this meeting which may result in Regional Board action or direction to staff. We encourage input from all people interested in a given item or issue, so that when we act, our decision is based on all available information. Although an oath is not administered in most of the proceedings before this Board, **we expect all statements made before this Board to be truthful with no attempts to mislead this Board by false statements, deceptive presentation or failure to include essential information.**

The Regional Board encourages all people in or near a Board meeting to refrain from engaging in inappropriate conduct. Inappropriate conduct may include disorderly, contemptuous or insolent behavior, breach of peace, boisterous conduct, violent disturbance or other unlawful interference in the Board's proceedings. Such conduct could subject you to contempt sanctions by the superior court (Govt. C Sec 11455.10).

The Regional Board Chairperson may impose sanctions, including reasonable expenses and attorney's fees, on any party for bad faith actions, frivolous tactics or actions intended to cause unnecessary delay by a party or the party's attorney or representative (Govt. C Sec 11455.30).²

CALIFORNIA WATER QUALITY CONTROL BOARD LAHONTAN REGION

Main Office: 2501 Lake Tahoe Blvd., South Lake Tahoe, CA 96150 (530) 542-5400
Branch Office: 15428 Civic Drive, Suite 100, Victorville, CA 92392-2359 (760) 241-6583

REGIONAL BOARD MEMBERS

Name	Location of Residence or Business	Appointment Category
John Brissenden	Hope Valley	Water Quality
Jim Chapman	Susanville	County Government
Jack Clarke, Chair	Apple Valley	Water Supply
R. Keith Dyas	Rosamond	Industry Water Use
Bishop Henry W. Hearn	Lancaster	Municipal Government
Amy Horne, Ph.D., Vice Chair	Truckee	Rec., Fish and Wildlife
Eric Sandel	Truckee	Water Quality
Susan J. Van Dam	Barstow	Irrigated Agriculture
Vacant		Public

REGIONAL BOARD STAFF

Harold J. Singer Executive Officer	Robert Dodds Assistant Executive Officer and Ombudsman	Steven H. Blum Counsel to the Board	Laurie Applegate Executive Assistant
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South Lake Tahoe Office: Chuck Curtis, Manager, Planning and Toxics Division
Bud Amorfini, Chief, TMDL Unit
Chris Stetler, Chief, UST Unit
Richard Booth, Lead, UST Unit

Lauri Kemper, Manager, Northern Lahontan Watershed Division
Scott Ferguson, Chief, Truckee River Watersheds Unit
Alan Miller, Chief, Northern Lahontan Rural Watersheds Unit
Doug Smith, Chief, Lake Tahoe Watersheds Unit

Victorville Office: Hisam Baqai, Manager, Southern Lahontan Watershed Division
Cindi Mitton, Chief, Mono/Owens Watersheds Unit
Mike Plaziak, Chief, Mojave Desert Unit

The primary responsibility of the Regional Board is to protect the quality of the surface and groundwater within the Region for beneficial uses. The duty is carried out by formulating and adopting water quality plans for specific ground or surface water bodies; by prescribing and enforcing requirements on domestic and industrial waste dischargers, and by requiring cleanup of water contamination and pollution. Specific responsibilities and procedures of the Board are outlined in the Porter-Cologne Water Quality Control Act.

Regular meetings of the Board are normally held on the second Wednesday and Thursday of each month. Meeting locations vary but generally alternate between the north and south basins of the region.

The purpose of the monthly meeting is to provide the Board with testimony and information from concerned and affected parties and make decisions after considering the evidence presented. A public forum is held at each regular meeting where any person may address the Board on any matter within the jurisdiction of the Board, but may not be related to any item on the agenda.

The Board welcomes information on pertinent problems, but comments at the meeting should be brief and directed to specifics of the case to enable the Board to take appropriate action. Whenever possible, lengthy testimony should be presented to the Board in writing and only a summary of pertinent points presented verbally. Written material should be submitted no later than the Monday, ten days prior to the Board meeting.

Recordings are made of each Board meeting and these tapes are retained in the Board's office for two years. Anyone desiring copies should contact the Laurie Applegate at (530) 542-5414, for the current fee schedule for copies.

NOTES

A. SEQUENCE OF AGENDA ITEMS

The items are numbered for identification purposes only and will not necessarily be considered in this order.

B. AVAILABILITY OF AGENDA MATERIAL

Details concerning these agenda items are available for public reference during working hours at the Board's offices. Copies of individual agenda items may be obtained at the Board's offices after 8:00 a.m. on the Monday, ten days preceding the Board meeting. The staff will assist in answering questions.

C. UNCONTESTED ITEMS CALENDAR

Item numbers with an asterisk (*) are expected to be routine and noncontroversial. They will be acted upon by the Board at one time without discussion. If any Board member, staff member, or interested party requests discussion, the item will be removed from the Uncontested Calendar to be considered separately.

D. PETITION OF REGIONAL BOARD ACTION

Any person affected by a certain decision of the California Regional Water Quality Control Board, Lahontan Region, (Regional Board) may petition the State Water Resources Control Board to review the decision. The petition must be received by the State Board within 30 days of the Regional Board's meeting at which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided upon request.

E. HEARING RECORD EXHIBITS

Material presented to the Board as part of the testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, chart, diagrams, etc.

F. CONTRIBUTIONS TO REGIONAL BOARD MEMBERS

All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit before the Regional Board must submit a statement to the Board disclosing any contributions of \$250 or more to be used in a federal, state, or local election, made by the action supporter or opponent, or his or her agent, within the last 12 months to any Regional Board member. All permit applicants and all persons who actively support or oppose adoption of a set of waste discharge requirements or an NPDES permit pending before the Regional Board are prohibited from making a contribution of \$250 or more to any Board member for three months following a Regional Board decision on the permit application.

G. ADDITIONAL CLOSED SESSION

At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code Section 11126 (a), (c)(3) and (e).